

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROY ALEXANDER BRIGGS,

Defendant.

CR 12-14-H-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on April 23, 2013. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.


McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Roy Alexander Briggs's guilty plea after Briggs appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to one count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B), and he agrees to the forfeiture allegations as set forth in the Superseding Indictment. In exchange for Defendant's plea, the United States moves to dismiss Count II of the Superseding Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (doc. 27), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Roy Alexander Briggs's motion to change plea (doc. 19) is GRANTED.

DATED this 14th day of May, 2013.


Dana L. Christensen, Chief District Judge
United States District Court